App F IX 4

*Previous References* ( 193 Nil )

File No 289-33
Serial Nos 1

*Later References*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos* One

**Part B for** January 34

**SUBJECT**

Conferment of powers on a Deputy Commissioner under Sect 36 (3) of the Burma Municipal Act 1898 on Officers subordinate to him

Filed

Cor 26/5

Serial No

Conferment of powers of a Deputy Commissioner under Section 3(3)(a) to the Townships and Municipalities Regulation, 1933 to officers subordinate to Government

2 Under section 34 (c) of the Townships and Municipalities Regulation 1933, the Deputy Commissioner exercises general powers of instruction supervision and control over the municipal councils of minor municipalities within his jurisdiction he may

(a) call for any record, correspondence plan or other document in the possession or under the control of any municipal council

(b) require any municipal council to furnish any return, plan estimate statement account or statistics

(c) require any municipal council to furnish any information or report on any municipal matter

(d) record in writing for the consideration of the municipal council any observations which he may think proper in regard to the proceedings or duties of the President or the municipal council

3 The Director of Health, the Sanitary Engineer Bureau of Sanitary Engineering the Executive Sanitary Engineer and the District Health Officers have opportunities in minor municipalities very often and advise the municipal councils as regards the rectification of any defects in sanitation with a view to enable the officers to discharge their functions properly the following powers may reasonably be given to these officers

NOTE—Contn Sheet

WD 0246 -GPB—15 000—22-8-32

File No | of 193 | General and Revenue Secretariat

(a) to enter on and inspect or cause to be entered on and inspected any immovable property occupied by any municipality or any institution under its control or management or any work in progress under it or under its direction

(b) to call for or inspect any extract from any municipal ~~Council's~~ Council's or any committee's proceedings and any book or document in the possession of or under the control of a municipal ~~Authority~~ Council

4 A draft Government Order is submitted for consideration

5 The Director of Health may be consulted if these powers are sufficient | A

23/7/33

6 The powers as mentioned above are very general & are perhaps necessary to make it clear that ~~the~~ matters affecting sanitation In this view additions in pencil are suggested in the draft G.O

7 A - This may be done

Principal

8 I agree

Amendments 9 I agree Please consult the D of H

GENERAL SECRETARIAT
21 JULY 1933
No 475

Attended to

Serial No

Ecto 80 35 of 33
17-8-33

1 Forwarded unofficially with compliments to the Director of Health for favour of perusal very early

By order
Asuvadas
for General Secretary to Govt

1 Copy sent to the Director of Public Health for information

E240-2
10 8 33

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH
Date 10-8-33
Dept 240
File No
Despatch No

2 Retransmitted with compliments to the General Secretary to Government

GENERAL SECRETARIAT
10 AUG 1933
No

3 It is suggested that, to the powers mentioned in the unofficial note, the following may be added

13 "to call for any plan, estimate, return or statistics which have a bearing on Public Health and Sanitation including Sanitary Engineering"

Director of Health

14 The power referred to is amongst those mentioned in Sec 34 (2) and can be delegated under sub-sec (3)

15 The Draft is added to accordingly & submitted

(Genl Secy) 11/8

GENERAL SECRETARY
11 AUG 1933
No

16 If all the officers mentioned begin calling for extra returns & statistics Extra Clerical

NOTE—Contn Sheet

help may be necessary
to these Minor Municipalities
The proposed Govt may see
my opinion fit to make necessary
now all these powers
are being freely conferred
now and there is no reason
to think they will be refused
hereafter

II Member

17 Let me see the
Corresp^g provn in the Town Mun^l Act^n
Is it proposed to issue a Circular order
or three mile

Off
Sec d M b f C
2 F AUG 19
N 9

18 The section in the Town municipality
Act^n, 1933, which corresponds to sec 34(3) of the Munic Mal
-ns 192 (1) & (2) Act^n, 1933

19 In sec 34(3) of the Munic Mal^s
Act^n, 1933, it has been specifically laid
down that the powers given to the Govt
Comm^r, Deputy Comm^r ~~shall~~ may be Confirmed

RC File No of 1933-34

Serial No

by the Govt on any officer subordinate
but while in sec 192 (1) of the
Imm rules Regn, it is stated that
any officer of the Govt authorised by
the Govt by a general or special order
shall have power to inspect generally
the affairs of Imm rl bys in regard to
the matters specified in clauses (a), (b)
& (c) thereof and sub section (2) of sec 192
relats to the delegation of powers of the
Govt to the Assistant Comm. No provn
for conferment of powers (as contemplated
in the Imm rules Regn, 1933 as to be
found in the Imm rules Regn 1933
2 dft is apart from considerations and
orders of any officer may be
authorised by Govt in respect of Imm
rules Regn 1933 as contemplated in
sec 192 (1) thereof
of subs with regard to para 17 supra

The matter contemplated in Subsec (1) practically amounts to this
AM 13/9

This seems necessary in case the powers are to be conferred in the case of other officers. The officers may at least be authorised under this subsection
AM 13/9

Should be sent to the Govt together with 3443 sent to it to be sent back

9/9/33 AM

(Govt Secy)

AM 13/9

The question was considered at the recent meeting of officers on the 8th Sept. An extract of the Resp of the meeting which bears subject may be put up

AM 13/9

Contn. Sheet

D 70—GBPM—60 000—13 8 3

File No 4435 of 193

General and Revenue Secretariat

with two drafts

CHIEF SECRETARIAT 1060 - 7 OCT REVENUE

To the Revenue Branch with Compliments

Kindly putting up an extract of the discussions on the subject - re Inspection of mines municipal Councils by the District Officers & other Officers whom powers will be delegated under Sec 34 (3) of the Mysore Mines Rules, 1933, as noted in the margin by the Secretary MWPSN

for 7/x/33 ~~yet~~ A draft copy of the note of decision is placed below

Pl. hand
17/10
To Ls/Bs
Hand (Pls)

Yr Kind reference is invited to subject noted 2nd discussed at the meeting of the Heads of Depts & the District held on 29-9-33 in regard to the necessity for the delegation of the powers of a Deputy Commr, under the Mines Rules to the Officers subordinate to him, the Inspection of the Dy Commr District to the effect that the Sub divisional Officers might take a little more interest in the work if they were delegated with certain of the powers mentioned in the Regulations especially as that would not mean that the Deputy Commrs would not have

Serial No

Town & Vills Regn 1933

Control over them has been accepted

96 In regard to the above para, it is submd that, under Sec 192 (2) of the Town & Vills Regulation, 1933 the D.C may delegate all or any of the powers given to him under the Sec to the Assistant Comr in charge of a Taluk in so far as concerns any municipal council in such Taluk In accordance with this provision the D.C.s will be requested to take action in respect of all powers & duties of which the Assistant Comrs are not the Ex-officio Presidents. This is for

A

Town & Vills Regn, 1933

In regard to the Town & Vills, no delegation is necessary, as under the Regulation (Sec 34 (2)) the Assistant Comr in charge of the Taluk in which the Municipality is situated shall exercise all the powers referred to therein, subject to the general control of & orders of the D.C of the District

B

-Contn Sheet

for orders, if in accordance with this section, the D.C.s may be requested to withdraw the S.D.Os

WD 70—GBPM—60 000—13 8 31

File No | of 193 | General and Revenue Secretariat

to evince more interest in the working of the Municipalities so that their condition may be improved.

The point dealt with in this file | Part in this file
however is the delegation of powers under sec 34 (3) of the Municipalities Regulation, given to the Assistant Commr & the Deputy Commr and subject to any orders & directions to be given by any officer subordinate to Govt. The draft in the file is put up as per provisions of the above section. This section is also based on the understanding arrived at in the file no 174-32 & relevant portions of the rules from that file bearing on the subject are extracted below —

C856 - 8 pages Dy 26/32

98 " I believe, if suitable provision is made in the Municipal Regulation, to the following it would meet the case in point

(1) to give general power to the Director of Health to inspect the Municipalities,

(2) to require the Municipal Council to execute all works of sanitary nature after plans and estimates are submitted and sanctioned by the Sanitary Engineer in the Department of Health up to 10 000/- and by Government of over this amount

under subm Dy dtd 29/4/32 Sr

Sd/- J V Karve,
Director of Health
26/4/32

Serial No

30 Submitted for perusal The opinion is in accordance with the understanding arrived at the interview of the Director with the Second Member on the 26th instant

31 Necessary action will be taken to frame rules under section 175 A of the Municipal Regulation as regards the execution of works

32 As regards powers to inspect, Section 173 of the Regulation is proposed to be amended and necessary provision has been made in the Town Municipalities Bill

33 In the Minor Municipalities Bill also, necessary provision will be inserted

34 One more point not referred to by the Director and which was approved at the meeting was that power may be taken to Government to prescribe the channel of communication in certain health matters

35 Necessary provision will be made in the Bills which are under revision after looking into the Acts in force in British India

Intd/- D S
27/1/32

35 For perusal

Intd/- A S R
30/1

Secord Member)

36 Intd/- P J
30/1/32

Intd/- R R
1/2/32

Contn Sheet

WD 70—GBPM—60 000—13 8 31

435 / 1437

mk File No of 1933-34 General and Revenue Secretariat

The draft GO on this file has been proposed in respect of mining matters under Sec 34(2) of the Regn, in accordance with the understanding reported above. It is for orders if the draft may not be approved, restricting the power of inspection only to the Director of Health & omitting the Mines.

38 Orders are solicited in respect of para Part A, of PC supra

28/X/33 AV (Secy Secy) AM 27/10

39 As to mining operations

[illegible] 7-11

DEPT. 28 OCT. '33 No

A/C The corresp[onding] provision in Govt Dists Regn is Sec 192. So far as delegation of powers now proposed is concerned both Govts Dists may be considered together. There is no difficulty about the DC PSDs since they have statutory powers. Regn is about the other officers on which point I have noted my opinion already (Supra Para 16)

Ref: Minutes Para 17 (11 Dists) Please by [illegible] 10/11 AM 10/11

Off r be Sec nd M mb (Enc) 10 NOV 1933 No and F 7

Serial No

I agree with the S/L Sec'y that the confinement of these powers on others is not necessary.

JSM
4/1/34

Draft for Mr Lothian's signature

LHM
4/1/34

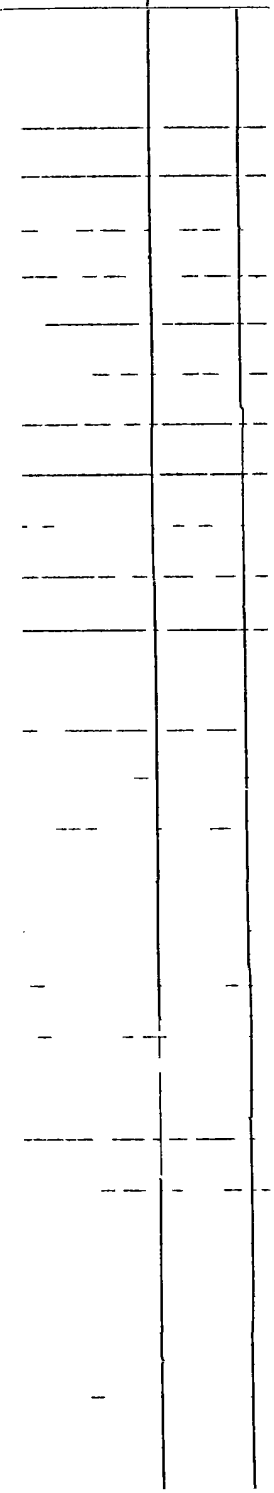
Mr Lothian
Please initial
LHM
5/1

B
Draft
for
5/1/34

L—Contn Sheet

WD 70—GBPM—60 000—13 8 31

File No of 193 General and Revenue Secretariat



Proceedings of the Government
His Highness the Maharaja of Mysore

Order No

Dated Bangalore,

Under section 34 (3) of the Mysore minor municipalities Regulation 1933 the Government are pleased to confer on the officers noted in the margin the following powers in respect of municipal councils minor municipalities in the State —

(1) to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by any municipality or institution under its control or management or any work in progress under it or under its direction;

(2) to call for or inspect any extract from any municipal council's or any committee proceedings and any book or document in the possession of or under the control of any municipal council;

(3) to call for any plan estimate return or statistics which have a bearing on public health and sanitation including sanitary engineering

General Secretary to Govt

To

The Director of Health,

The Sanitary Engineer,
Bureau of Sanitary Engineering,

The Executive Sanitary Engineer,

The Deputy Commissioners of Districts

The Comptroller

The Senior Surgeon,

The Chief Engineer

The Press Table

Notes of decisions arrived at the Assistant Commissioners' meeting held on 20th [illegible]

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1. Empowering the Commissioner of District to withhold fixed travelling allowance of negligent Amildars when they delay carrying out instructions of higher Revenue Officers to the detriment of efficient despatch of work

The Revenue Commissioner said that so far as insufficiency of touring and other things were concerned, the Deputy Commissioner ought to have had the power just as he would have if there were the ordinary travelling allowance rules prevailing. He did not think that any further power was [illegible].

The Dewan observed that there were many other ways of pulling up the Amildars. He was of the opinion that as between the Deputy Commissioner and the Amildars, the responsibilities of the Assistant Commissioners were left unnoticed. As a matter of fact it was the Assistant Commissioners that had more leisure than either the Deputy Commissioners or the Amildars. They must be held responsible for a good deal of work or that was done or not done in the districts. They should be pulled up. (Revenue Secretary)

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2. Whether it is necessary to form a Committee for revising the Mahabaleshwar's accounts and forms in use in the Taluka offices.

The Director of Commercial Intelligence commented on the introduction of records of [illegible] in the talukas, certain changes in the accounts and forms in the Talukas.

The Dewan observed that as the decision was to be done away, there was no need for a Committee and that this decision might be communicated to the Secretary, Amildar's Conference. (Revenue Secretary)

---

3. Whether Amildars and Deputy Amildars may be empowered to remit Isthihar fees if the demand is fully recovered.

The Dewan observed that the suggestion might be accepted and the decision communicated to the Secretary, Amildar's Conference. (Revenue Branch)

---

4. Itineration of District Officers and their subordinates.

The Dewan observed that the whole system of travelling by district officers has to be revised and regulated. There was no use of officers making flying visits to the taluks. Once they went to the taluks, they must camp there till they dispose of all the matters relating to that taluk and record a certificate to that effect. So also, the Amildars should in their visits to the hoblis dispose of all pending questions. Otherwise it was impossible to clear the arrears in the subordinate revenue offices. At present, there were a number of darkhast applications pending disposal. He further

~~The Dewan~~ observed that it was a waste of public money. In these days of motor cars the temptation on the part of officers to make flying visits was very great. There was no use in merely seeing the Amildar, issuing him instructions and returning to his headquarters. The officer must camp in the Taluk, dispose of all the pending cases before proceeding to another taluk. He also added that the orders issued in this behalf should be strictly enforced and that the officers concerned should not rest content by seeing the orders merely on paper. If any alterations were necessary to the order to make it effective, they might be made. He thought that if the erring officers were promptly punished, it would have a salutary effect.

It was stated further

~~The Dewan observed~~, that the review of diaries of subordinate officers had become ~~o~~ mechanical and that the Deputy Commissioners should check the details, point out the mistakes of the officer, correct ~~ex~~ the officer so far as possible and then send up the diaries to the next Commissioner. ~~When alone could matter be set right it was a very important~~ matter In this connection, the Dewan also referred to the proverbial delays in the disposal of cases by the Amildars in the State and added that in this respect it would be better to follow the system in vogue in British Indian where replies were being received promptly. ( vide re

---

5 Expeditious recovery of (a) contributions for large irrigation works and (b) fees under Code of Rights

The Dewan observed that the officer should exercise their discretion in each matter (Revenue Branch)

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6 Audit of Accounts relating to Code of Rights

~~The Council~~ The Dewan observed that the First Member of Council, the Revenue Commissioner and the Survey Superintendent might go into the entire question and see what was the best way of providing matters (Revenue Branch)

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7 Entrusting the work of disbursing the pay of village school masters to the School Boards instead of to Agents in lieu of the Revenue Agency

The Dewan observed that the Government would consider whether any better arrangement was possible and that in the meanwhile, the present arrangement might continue (Revenue & Education Branches)

8. Extension of the scheme of carriage of liquors and ganja to bonded depots in Motor Vehi

The Dewan observed that the question m be examined and proposals sent up. (Financial Depar

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9. & 12 - (9) Conservation of date groves
(12) Systematic inspection of date groves especially in the interior with a view to check malpractices and improve and conserve tree growth.

The Dewan once again impressed upon t necessity of protecting the groves with h the Assistant Commissioners shouldering more re bility in their maintenance. (Financial De

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10. Revision of the scale of pay of fm officials in the Excise, Registration and Incometax sections in the District and Subordinate Offices so as to place them on the same footing as executive officials.

The Dewan observed that clerks where they are working must be of one cadre
The Financial Secretary said that the whole question required to be studied.

The Dewan observed that the question m be looked into. (Financial Branch

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12. Posting of a whole-time District Revenue Officer to the Bangalore District.

The Dewan observed that proposals in behalf might be sent up. (Financial Branch)

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13. Power to Sub-Registrars to levy deficient stamp duty on insufficiently stamped documents presented for registration with reservation of power to higher authorities to modify the Sub-Registrar's action in a suitable manner wherever necessary. Change of Statute law for the purpose.

The Member of Council observed that the matter which required to be considered. (Financial Branch

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Subjects 14-17 not discussed.

18. Engineering staff for Village archayat works.

Mr Dewan said that a beginning might be made and the Deputy Commissioners given some assistance in the shape of overseers and some staff. He also added that in the light of the remarks made by the Deputy Commissioner, Kolar, the Chief Engineer might revise his note and send up the same (P.W. Secretariat).

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19. Placing the accounts clerks under the disciplinary control of the Executive Engineers.

The Dewan was of the opinion that the present arrangement was not satisfactory and that there would be no harm in transferring the control over the accounts clerk to the Public Works Department to the officers. He might be placed under the control of the Executive Engineers. The experiment might be tried and if found not satisfactory the old system might be reverted to. (P.W. Department)

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20. The removal of encroachments on roads and margins. The desirability of demarcating roads and lines by masonry stones as in British India.

The Dewan observed that this matter should be taken wherever there was the danger of encroachments. It was not a matter which required any order of Government. (P.W. Secretariat)

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21. Compilation by the Revenue Department of reliable statistics relating to all irrigation works in the State in regard to works coming under Schedule B of 1892 Agreement.

Mr. Chetty suggested that it was necessary that the officers should in furnishing statistics wherever called for scrutinise them very carefully before forwarding the to Government. He also added that the District Officer should treat the matter as urgent.

The Dewan opined that the above precautions were very necessary on the part of the District Officers. (Revenue & Police Secrett.)

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22. [illegible] of discussion.

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23. Question of giving the benefit of the increased elective strength under the Town and Village Municipalities Regulation to the Municipal Councils whose terms extend beyond 1st January 1934.

The Second Member of Council further explained that there was a saving clause in the new Regulation to the effect that all Municipal Councils already constituted could continue till action was taken under the new Regulation. Under the clause it was proposed to take action and reconstitute the Municipal Councils between January 1934 and June 1934.

The Dewan observed that there could be no objection to adopting the procedure. (Revenue Secretary.)

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24. Proposal of the Director of Health for the reduction of the Government grant for water supply and town improvement for Municipalities from half to one-third.

The Deputy Commissioner, Kolar thought that it was not desirable that Government should commit themselves to any proportion but that they could keep it elastic and deal with each case on its merits.

This suggestion was accepted. (Revenue Secretary.)

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25. Necessity for the delegation of the powers of a Deputy Commissioner under the Town and Village Municipalities Regulations to other officers subordinate to Government.

The Deputy Commissioner, Kolar, said that the Sub Divisional Officers might take greater interest in the work if they were delegated with

certain of the powers mentioned in the Regulation, especially as that would not mean that the Deputy Commissioners would not have control over them

The suggestion was accepted (I & G Br )

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26 Conferment of the privilege of having non-official Presidents to Minor and Town Municipal Councils

The Dewan observed that there was no use of threatening the erring municipality as it would be regarded as merely an empty ~~threat~~ threat and that the best thing would be to supersede one or two municipalities and make them an example to others He, however, added that superseding a non-official President once would not mean a permanent departure from the privilege of electing such a president, but that the experiment could be tried again at the subsequent elections, if there was a chance of its proving successful The whole idea was that the public interest should not suffer on any account (L & G Br )

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27 Defects in the Muzrai Regulation

This subject was deferred

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28 Representative Assembly and Legislative Council

Whether it was necessary to revise and republish the electroral rolls already prepared and published in connection with the elections to the Repre entative Assembly and Legislative Council

The First Member of Council thought that there was no need to republish the rolls and that it was possible to make the rules in such a way that reprinting of the old rolls was unnecessary. The difficulties complained of by the people could be

overcome by giving opportunities to new candidates' names being added to the existing rolls

This was agreed to (Protection Branch)

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29 Bore-hole latrines

Bore-hole latrines were not considered suitable as they would get filled up (G Br )

---

30 Refresher courses for Sanitary Inspectors and Vaccinators

The proposal was approved, and the Director was requested to send up a scheme (G Br )

---

31 Proposal for the speedy writing up of final Record of Rights Registers

Already discussed - Vide Subject No 6

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32 Prompt disposal of Thodi records which are pending for long periods

The Survey Superintendent suggested that the Revenue Inspectors might be asked to do this work up to pucca phoding. If one hekhdar did about 50 phoding a year, all the hekhdars put together could do about 18,000 phodis, while the Survey Department would do about 10,000 to 12,000 He did not understand why the Revenue Inspectors could not do

He Survey Superintendent said that it was possible to start a class in each district without much cost As there were District Survey Officers in some districts, they could undertake to give them the necessary training

The Revenue Commissioner thought that a Refresher course for about 15 days at a time might be arranged for in Bangalore and the necessary training given

This suggestion was agreed to. (Revenue Dr )

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33 election of men purely from the Provincial Reserve for the Treasury Guard duties.

The Inspector-General of Police thought that there was no room for the appreciation expressed by the Hassan Deputy Commissioner.

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Supplementary subjects

1. Shifting of shandies from main roads

The Dewan said that this might be borne in mind and done in respect of all places as far as possible. ( ectt )

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2. Exemption of tolls from

The Dewan observed that PW officers of the rank of Executive Engineers should be exempted from Toll Gates also. The experiment of keeping the toll gates on the main roads under departmental agency might be tried in respect of at least one road. It was believed that 30 to 50% of the income went to the pockets of the contractors now. ( Secretary )

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3. Stoppage of motor lorry traffic in monsoons in the Salnad.

The Dewan observed that it would be not be fair to do so and that the department ought to improve the roads. (Secretary)

---

4. Irrigation - Maintenance of irrigation works by ryots.

The Dewan observed that the Revenue officers should pay more attention to the maintenance of tanks tank bunds, etc.

The Deputy Commissioner, Kolar, said that it would suffice if a report was made once a year.

petitions were rejected and the request of parties refused, it was desirable to give, as far as possible the reasons why the request could not granted ( Revenue Branch and A.-.-ectt )

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POLIC[illegible] DEPARTMENT.

Reduction in Mileage rates Under the [illegible] when the distance covered by an officer on a single day exceeded 50 miles, only 2/3rd the usual mileage was allowed As this worked as a hardship, the Inspector-General of Policerequested its revision

The Dewan requested the Financial Secretary to examine the question in the light of the Bombay practice. (Financial and Protection Branches).

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Empowering the Inspector-General of Police to Order urgent repairs to departmental buildings.

An annual grant of Rs 5,000/- to be placed at the disposal of the Inspector-General of Police for the purpose was approved He may be given power to execute urgent repairs not costing more than Rs 250/- in each case. This will be out of the repair grant of the Department A list of urgent works ordered by the Department should be sent to the Chief Engineer for information. (Protection Branch)

---

Contfolling the speed of motor [illegible] buses on the roads

At the suggestion of the First Member of Council it was agreed that the only way of checking the bus nuisance was to note the number of the Bus, report the fact to the District Magistrate concerned and get the license of the bus cancelled.

The Dewan next agreed to the shifting of the

toll gate which was right up the bund near [illegible] avanani

The question of putting up decent gate in toll gates in place of wooden bars was to be taken up for consideration in case the proposed abolition of toll gates was not given effect to (Secretariat and Protection Branch)

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Assessment in the Polar District

In view of the fact that the rates of assessment were high in Polar, the Dewan said that the Revenue Officers might be given the discretion to be lenient in the collection of assessment (Revenue Branch)

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